

Appl. No. 10/787,266
Docket No. AA-615M2
Amdt. dated February 22, 2009
Reply to Office Action mailed on December 21, 2009
Customer No. 27752

REMARKS

Claim Status

Claims 1-9 and 11-15 are pending in the present application. No additional claims fee is believed to be due.

Claims 9-10 are canceled without prejudice.

Rejection Under 35 USC §103(a) Over U.S. 5,075,026 (Loth) In View Of U.S. 6,612,468 to Pritchett et al. ("Pritchett"), and Together in View of U.S. 5,679,630 to Baeck et al. ("Baeck"); and U.S. 6,114,298 to Petri et al. ("Petri") In View Of Pritchett.

Claims 1-8 and 11-15 are rejected under 35 USC §103(a) as being unpatentable over Loth in view of Pritchett. The Office Action asserts that Applicants' previously submitted arguments with respect to the claimed location of their mesh and/or sponge are insufficient to overcome the present rejection. Specifically, the Office Action asserts that the meshes at the top end and bottom end of the tube (11) of Pritchett are located at the top of the foamer unit housing, containing a nozzle. Therefore, the Office Action concludes that the mesh is disclosed as being positioned within the interior passage of the nozzle. Applicants respectfully traverse this rejection.

Further to Applicants' previously submitted arguments, Pritchett fails to teach or suggest a mesh located slightly within its *nozzle*, or anywhere within its nozzle. Rather, Pritchett teaches both a nozzle (12) and an inner axial downwardly open tube (11). The meshes of Pritchett are located only within the tube (11) and fails to otherwise teach or suggest a mesh within the nozzle (12). Therefore, nothing in Pritchett teaches or suggests a mesh located "slightly within" the nozzle according to Applicants' claims.

Based on the foregoing, the claims are nonobvious over the combination of Pritchett with the remaining cited references. Accordingly, Applicants respectfully request that the present rejection be withdrawn.

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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 103(a). Early and favorable action in the case is respectfully requested. Applicants' attorney invites the Examiner to contact him with any questions the Examiner may have regarding this application.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application and allowance of Claims 1-8 and 11-15 is respectfully requested.

Respectfully submitted,

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(Amendment-Response to Office Action.doc)
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